



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688

7590 04/12/2002

Birch Stewart Kolasch & Birch LLP  
P O Box 747  
Falls Church, VA 22040-0747

EXAMINER

PHAM, HUNG Q

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/490,061

Applicant(s)

KAWAOKA, YOSHIKI

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuba et al. [USP 5,806,072].**

Regarding to claim 1, Kuba teaches an electronic imaging apparatus that is compatible with personal computers (Col. 1, lines 9-12). As shown in Fig. 2, The Kuba apparatus will read out an image file that has been recorded on **RAM 4** as a first recording medium and recording this image file in a **Memory Card 14** as a second recording medium (Fig. 2, Col. 13, line 62-Col. 14, line 18). The Kuba electronic imaging apparatus further comprises: an image file readout unit for reading out an image file that has been recorded on the **RAM 4** as the first recording medium (Col. 14, lines 11-19); a file name duplication discrimination unit for determining whether a file of the image file that has been read out by said image file readout unit and a file name of an image file that has been recorded on the second recording medium are duplicates (Col. 51, lines 5-22); and image-file recording controller, which is responsive to a determination by said file-name duplication discrimination unit that the file names are duplicates, for changing the file name of the image file that has been read out of the first recording medium and recording this read image file on the second recording medium in such a manner that file names of image files that have been recorded on the second recording medium will not be duplicated (Fig. 149, Col. 51, lines 22-25); and a grouping unit for grouping image files, which have been recorded on the second recording medium by said image-file recording control unit, according to the types of images represented by the image files (Col. 21, line 47-Col. 22, line 35).

Regarding to claim 2, Kuba teaches all the claimed subject matters as discussed in claim 1, and further discloses: grouping unit causes a file name corresponding to each group to be recorded on the second recording medium (Col. 22, lines 48-54)

Regarding to claim 3, Kuba teaches an electronic imaging apparatus that is compatible with personal computers (Col. 1, lines 9-12). The Kuba electronic imaging apparatus comprises: an image file readout unit for reading out an image file that has been recorded on a first recording medium; a recording controller for recording the image file, which has been read out by said image file readout unit, on a second recording medium; (Fig. 2, **RAM 4**, **Memory Card 14**, Col. 14, lines 2-19); and an output unit for outputting an image file being recorded on the second recording medium by said recording controller (Fig. 2, **LCD 12**, Col. 14, lines 20-31).

Regarding to claim 4, Kuba teaches all the claimed subject matters as discussed in claim 3, and further discloses: output unit is a display device for displaying an image represented by an image file that has been recorded on the second recording medium (Col. 14, lines 20-31).

Regarding to claim 5, Kuba teaches an image file method in an electronic imaging apparatus that is compatible with personal computers (Col. 1, lines 9-12). The Kuba method will read out an image file that has been recorded on **RAM 4** as a first recording medium and recording this image file in a **Memory Card 14** as a second

Art Unit: 2172

recording medium (Fig. 2, Col. 13, line 62-Col. 14, line 18). The Kuba method further comprises: reading out an image file that has been recorded on the **RAM 4** as the first recording medium (Col. 14, lines 11-19); determining whether a file name of the image file that has been read out and a file name of an image file that has been recorded on the second recording medium are duplicates (Col. 51, lines 5-22); in response to a determination that the file names are duplicates, changing the file name of the image file that has been read out of the first recording medium and recording this read image file on the second recording medium in such a manner that file names of image files that have been recorded on the second recording medium will not be duplicated (Fig. 149, Col. 51, lines 22-25); and grouping image files, which have been recorded on the second recording medium according to the types of images represented by the image files (Col. 21, line 47-Col. 22, line 35).

Regarding to claim 6, Kuba teaches an image file method in an electronic imaging apparatus that is compatible with personal computers (Col. 1, lines 9-12). The Kuba method will read out an image file that has been recorded on **RAM 4** as a first recording medium and recording this image file in a **memory card 14** as a second recording medium (Fig. 2, Col. 14, lines 11-19); outputting an image file being recorded on the second recording medium (Fig. 2, **LCD 12**, Col. 14, lines 20-31).

### ***Conclusion***

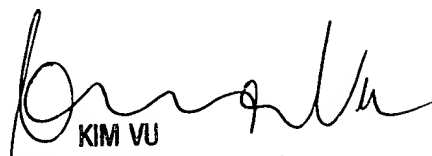
Art Unit: 2172

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham  
Mar 26, 2002

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100